

AMENDED IN ASSEMBLY JUNE 18, 2013

AMENDED IN SENATE MAY 6, 2013

AMENDED IN SENATE APRIL 25, 2013

**SENATE BILL**

**No. 198**

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**Introduced by Senator Price**

February 7, 2013

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An act to amend ~~Sections 2071, Sections 2071, 2603, 2604, 2607, 2607.5, 2608, 2608.5, 2611, 2612, 2614, 2615, 2620.7, 2630, 2636, 2636.5, 2638, 2651, 2660, 2660.2, 2660.3, 2660.5, 2661, 2661.7, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2672, and 2682~~ of, to amend the headings of Article 1 (commencing with Section 2600) of, and Article 2 (commencing with Section 2620) of, Chapter 5.7 of Division 2 of, to amend and renumber Section 2676 of, to amend and renumber the headings of Article 4 (commencing with Section 2650) of, Article 5 (commencing with Section 2660) of, Article 5.5 (commencing with Section 2662) of, Article 6 (commencing with Section 2670) of, Article 7 (commencing with Section 2680) of, and Article 8 (commencing with Section 2690) of, Chapter 5.7 of Division 2 of, to add Sections 2603.5, 2605, ~~2620.2~~, 2623, 2630.3, 2630.4, 2630.5, 2633.5, 2633.7, 2639.1, 2654, 2660.4, and 2660.8 to, to add the heading of Article 3 (commencing with Section 2635) to, and to add Article 4 (commencing with Section 2644) to, Chapter 5.7 of Division 2 of, to repeal Sections 2604.5, 2609, 2632, 2640, 2650.1, 2650.2, 2652, 2683, 2684, and 2685 of, to repeal the headings of Article 3 (commencing with Section 2630) of, and Article 6.5 (commencing with Section 2676) of, and to repeal Article 4.5 (commencing with Section 2655) of, Chapter 5.7 of Division 2 of, and to repeal and add Sections 2601, 2622, 2639, 2650, and 2653 of, the Business and Professions Code, and to amend Sections 12529

and 12529.5 of the Government Code, relating to physical therapy, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 198, as amended, Price. Physical Therapy Board of California.

(1) Existing law, the Physical Therapy Practice Act, provides for the licensure, approval, and regulation of physical therapists and physical therapist assistants by the Physical Therapy Board of California within the Department of Consumer Affairs. A violation of the act is a crime.

This bill would revise and recast those provisions. Among other things, the bill would provide for the licensure of physical therapist assistants and impose additional requirements and authority on the board, including to enter into contracts for services necessary for enforcement of the act. The bill would revise the composition of the board and prescribe the duties of the board. The bill would authorize the board, by regulation, to prescribe, amend, or repeal any rules contained within a code of professional conduct appropriate to the establishment and maintenance of integrity and dignity in the profession of physical therapy. The bill would provide exemptions from the licensure requirements for students and physical therapists licensed in other jurisdictions, as specified. The bill would also make related, technical changes.

This bill would also expand the acts that constitute unprofessional conduct to include, among other things, practicing or offering to practice beyond the scope of practice of physical therapy and unlawful possession, use, or conviction of a criminal offense involving a controlled substance. The bill would impose a civil penalty upon a licensee who fails to, or refuses to, comply with a request from the board for the medical records of a patient, as specified. By revising the definition of a crime, this bill would impose a state-mandated local program.

(2) Existing law establishes in the Department of Justice the Health Quality Enforcement Section, the primary responsibility of which is to prosecute proceedings against licensees and applicants within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine, the Board of Psychology, or any committee under the jurisdiction of the Medical Board of California, and to provide ongoing review of the investigative activities conducted in support of those prosecutions. Existing law requires that the funding of the Section

be from the special funds financing the operations of those boards and the committees under the jurisdiction of the Medical Board of California, with the intent that the expenses be proportionally shared as to services rendered.

This bill would additionally include within the primary responsibility of the Section prosecution of proceedings against those licensees and applicants within the jurisdiction of the Physical Therapy Board of California. The bill would also require a proportional share of the funding for the Section to be budgeted from the special funds financing the operation of the Physical Therapy Board of California, which are continuously appropriated, thereby making an appropriation.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2071 of the Business and Professions  
2 Code is amended to read:  
3 2071. The board shall adopt and administer regulations that  
4 establish standards for technical supportive services that may be  
5 performed by a medical assistant. Nothing in this section shall  
6 prohibit the board from amending or repealing regulations covering  
7 medical assistants. The board shall, prior to the adoption of any  
8 regulations, request recommendations regarding these standards  
9 from appropriate public agencies, including, but not limited to, the  
10 State Board of Optometry, the Board of Registered Nursing, the  
11 Board of Vocational Nursing and Psychiatric Technicians, the  
12 Laboratory Field Services division of the State Department of  
13 Public Health, those divisions of the State Department of Education  
14 that pertain to private postsecondary education and career and  
15 vocational preparation, the Chancellor of the California Community  
16 Colleges, the California Board of Podiatric Medicine, the Physician  
17 Assistant Examining Committee, and the Physical Therapy Board  
18 of California. The board shall also request recommendations  
19 regarding these standards from associations of medical assistants,

1 physicians and surgeons, nurses, doctors of podiatric medicine,  
2 physician assistants, physical therapists, laboratory technologists,  
3 optometrists, and others as the board finds appropriate, including,  
4 but not limited to, the California Optometric Association, the  
5 California Nurses Association, the California Medical Association,  
6 the California Society of Medical Assistants, the California Medical  
7 ~~Assistants~~<sup>2</sup> *Assistants* Association, and the California Physical  
8 Therapy Association. Nothing in this section shall be construed to  
9 supersede or modify that portion of the Administrative Procedure  
10 Act that relates to the procedure for the adoption of regulations  
11 and which is set forth in Article 5 (commencing with Section  
12 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the  
13 Government Code.

14 SEC. 2. The heading of Article 1 (commencing with Section  
15 2600) of Chapter 5.7 of Division 2 of the Business and Professions  
16 Code is amended to read:

17  
18 Article 1. Administration and General Provisions  
19

20 SEC. 3. Section 2601 of the Business and Professions Code is  
21 repealed.

22 SEC. 4. Section 2601 is added to the Business and Professions  
23 Code, to read:

24 2601. For the purpose of this chapter, the following terms shall  
25 have the following meanings, unless otherwise specified:

- 26 (a) “Board” means the Physical Therapy Board of California.  
27 (b) “Physical therapist” means a person who is licensed pursuant  
28 to this chapter to practice physical therapy.  
29 (c) “Physical therapist assistant” means a person who is licensed  
30 pursuant to this chapter to assist in the provision of physical therapy  
31 under the supervision of a licensed physical therapist. “Physical  
32 therapy assistant” and “physical therapist assistant” shall be deemed  
33 identical and interchangeable terms.  
34 (d) “Physical therapist technician” and “physical therapy aide,”  
35 as described in Section 2630.4, shall be deemed identical and  
36 interchangeable terms.  
37 (e) “Physiotherapy” shall be synonymous with “physical  
38 therapy.”

39 SEC. 5. Section 2603 of the Business and Professions Code is  
40 amended to read:

1     2603. The members of the board shall consist of four physical  
2 therapists, only one of whom shall be involved in physical therapy  
3 education, and three public members.

4     SEC. 6. Section 2603.5 is added to the Business and Professions  
5 Code, to read:

6     2603.5. (a) The physical therapist members of the board shall  
7 be appointed from persons having all of the following  
8 qualifications:

9         (1) Be a resident of California.

10        (2) Possess ~~an~~ *a valid and* unrestricted license in California  
11 issued pursuant to this chapter.

12        (3) Have been licensed pursuant to this chapter and practicing  
13 in California for at least five years prior to appointment to the  
14 board.

15     (b) (1) The public members of the board shall have both of the  
16 following qualifications:

17         (A) Be appointed from persons having all of the qualifications  
18 as set forth in Chapter 6 (commencing with Section 450) of  
19 Division 1.

20         (B) Be a resident of California.

21     (2) No public member of the board shall be, nor have been, any  
22 of the following:

23         (A) An officer or faculty member of any college, school, or  
24 institution involved in physical therapy education.

25         (B) A licentiate of the Medical Board of California or of any  
26 board under this division or of any board referred to in Section  
27 1000 or 3600.

28     SEC. 7. Section 2604 of the Business and Professions Code is  
29 amended to read:

30     2604. The members of the board shall be appointed for a term  
31 of four years, expiring on the first day of June of each year.

32     The Governor shall appoint one of the public members and the  
33 four physical therapist members of the board qualified as provided  
34 in Sections 2603 and 2603.5. The Senate Committee on Rules and  
35 the Speaker of the Assembly shall each appoint a public member  
36 qualified as provided in Section 2603.5.

37     No person may serve as a member of the board for more than  
38 two consecutive terms. Vacancies shall be filled by appointment  
39 for the unexpired term. Annually, the board shall elect one of its  
40 members as president and one of its members as vice president.

1 The appointing power shall have the power to remove any  
2 member of the board from office for neglect of any duty required  
3 by law or for incompetency or unprofessional or dishonorable  
4 conduct.

5 SEC. 8. Section 2604.5 of the Business and Professions Code  
6 is repealed.

7 SEC. 9. Section 2605 is added to the Business and Professions  
8 Code, to read:

9 2605. The board shall do all of the following:

10 (a) Evaluate the qualifications of applicants for licensure.

11 (b) Provide for the examinations of physical therapists and  
12 physical therapist assistants and establish a passing score for each  
13 examination.

14 (c) Issue all licenses for the practice of physical therapy in  
15 California. Except as otherwise required by the director pursuant  
16 to Section 164, the license issued by the board shall describe the  
17 licensee as a “physical therapist” or “physical therapist assistant”  
18 licensed by the Physical Therapy Board of California.

19 (d) Suspend and revoke licenses and otherwise enforce the  
20 provisions of this chapter.

21 (e) Administer a continuing competency program.

22 (f) Participate, as a member, in the Delegate Assembly, and in  
23 applicable committee meetings, of the Federation of State Boards  
24 of Physical Therapy.

25 (g) Publish, at least annually, a newsletter that includes, but is  
26 not limited to, actions taken by the board, disciplinary actions, and  
27 relevant statutory and regulatory changes.

28 (h) Provide for the timely orientation and training of new  
29 professional and public member appointees to the board directly  
30 related to board licensing and disciplinary functions and board  
31 rules, policies, and procedures.

32 (i) Adopt and administer a program of education in matters  
33 relevant to the regulation of physical therapy.

34 SEC. 10. Section 2607 of the Business and Professions Code  
35 is amended to read:

36 2607. The board may employ, subject to law, such clerical  
37 assistants and, except as provided in Section 159.5, other  
38 employees as it may deem necessary to carry out its powers and  
39 duties.

1 The board may enter into contracts for services necessary for  
2 enforcement of this chapter and may as necessary select and  
3 contract with physical therapy consultants who are licensed  
4 physical therapists to assist it in its programs on an intermittent  
5 basis. Notwithstanding any other provision of law, the board may  
6 contract with these consultants on a sole source basis. For the  
7 purposes of Division 3.6 (commencing with Section 810) of Title  
8 1 of the Government Code, any consultant under contract with the  
9 board shall be considered a public employee.

10 SEC. 11. Section 2607.5 of the Business and Professions Code  
11 is amended to read:

12 2607.5. (a) The board may employ an executive officer exempt  
13 from the provisions of the *State Civil Service Act (Part 2*  
14 *(commencing with Section 18500) of Division 5 of Title 2 of the*  
15 *Government Code)* and may also employ investigators, legal  
16 counsel, physical therapist consultants, and other assistance as it  
17 may deem necessary to carry out this chapter. The board may fix  
18 the compensation to be paid for services and may incur other  
19 expenses as it may deem necessary. Investigators employed by the  
20 board shall be provided special training in investigating physical  
21 therapy practice activities.

22 (b) The Attorney General shall act as legal counsel for the board  
23 for any judicial and administrative proceedings and his or her  
24 services shall be a charge against it.

25 (c) This section shall remain in effect only until January 1, 2018,  
26 and as of that date is repealed, unless a later enacted statute, that  
27 is enacted before January 1, 2018, deletes or extends that date.

28 SEC. 12. Section 2608 of the Business and Professions Code  
29 is amended to read:

30 2608. The procedure in all matters and proceedings relating to  
31 the denial, suspension, revocation, or probationary restriction of  
32 licenses issued by the board under this chapter shall be governed  
33 by the provisions of Chapter 5 (commencing with Section 11500)  
34 of Part 1 of Division 3 of Title 2 of the Government Code.

35 SEC. 13. Section 2608.5 of the Business and Professions Code  
36 is amended to read:

37 2608.5. Each member of the board, or any licensed physical  
38 therapist appointed by the board, may inspect, or require reports  
39 from, a general or specialized hospital or any other facility  
40 providing physical therapy care, treatment or services and the

1 physical therapy staff thereof, with respect to the physical therapy  
2 care, treatment, services, or facilities provided therein, and may  
3 inspect physical therapy patient records with respect to the care,  
4 treatment, services, or facilities. The authority to make inspections  
5 and to require reports as provided by this section shall not be  
6 delegated by a member of the board to any person other than a  
7 physical therapist and shall be subject to the restrictions against  
8 disclosure described in subdivision (u) of Section 2660.

9 SEC. 14. Section 2609 of the Business and Professions Code  
10 is repealed.

11 SEC. 15. Section 2611 of the Business and Professions Code  
12 is amended to read:

13 2611. The board shall meet at least three times each calendar  
14 year, meeting at least once each calendar year in northern California  
15 and once each calendar year in southern California. The board may  
16 convene from time to time until its business is concluded. Special  
17 meetings of the board may be held at any time and place as the  
18 board may designate. Four members of the board shall constitute  
19 a quorum for the transaction of business.

20 SEC. 16. Section 2612 of the Business and Professions Code  
21 is amended to read:

22 2612. The board shall comply with the Bagley-Keene Open  
23 Meeting Act (Article 9 (commencing with Section 11120) of  
24 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government  
25 Code).

26 SEC. 17. Section 2614 of the Business and Professions Code  
27 is amended to read:

28 2614. The board shall hear all matters, including, but not  
29 limited to, any contested case or any petition for reinstatement,  
30 restoration, or modification of probation. Except as otherwise  
31 provided in this chapter, all hearings shall be conducted in  
32 accordance with Chapter 5 (commencing with Section 11500) of  
33 Part 1 of Division 3 of Title 2 of the Government Code. If a  
34 contested case is heard by the board the hearing officer who  
35 presided at the hearing shall be present during the board's  
36 consideration of the case and, if requested, shall assist and advise  
37 the board. The board shall issue its decision pursuant to Section  
38 11517 of the Government Code.

39 SEC. 18. Section 2615 of the Business and Professions Code  
40 is amended to read:



1 2615. The board shall adopt those regulations as may be  
2 necessary to effectuate this chapter. In adopting regulations the  
3 board shall comply with Chapter 3.5 (commencing with Section  
4 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

5 SEC. 19. The heading of Article 2 (commencing with Section  
6 2620) of Chapter 5.7 of Division 2 of the Business and Professions  
7 Code is amended to read:

8  
9 Article 2. Scope of Regulation and Exemptions

10  
11 ~~SEC. 20. Section 2620.2 is added to the Business and~~  
12 ~~Professions Code, to read:~~

13 ~~2620.2. Nothing in this chapter shall restrict or prohibit other~~  
14 ~~healing arts practitioners licensed or registered under this division~~  
15 ~~from practice within the scope of their license or registration.~~

16 ~~SEC. 21.~~

17 SEC. 20. Section 2620.7 of the Business and Professions Code  
18 is amended to read:

19 2620.7. (a) Patient records shall be documented as required  
20 in regulations promulgated by the board.

21 (b) Patient records shall be maintained for a period of no less  
22 than seven years following the discharge of the patient, except that  
23 the records of unemancipated minors shall be maintained at least  
24 one year after the minor has reached ~~the age of~~ 18 years *of age*,  
25 and not in any case less than seven years.

26 ~~SEC. 22.~~

27 SEC. 21. Section 2622 of the Business and Professions Code  
28 is repealed.

29 ~~SEC. 23.~~

30 SEC. 22. Section 2622 is added to the Business and Professions  
31 Code, to read:

32 2622. (a) A physical therapist shall be responsible for  
33 managing all aspects of the care of each patient as set forth in  
34 regulations promulgated by the board.

35 (b) A physical therapist shall not supervise more than two  
36 physical therapist assistants at one time to assist the physical  
37 therapist in his or her practice of physical therapy.

38 (c) A physical therapist may utilize the services of one aide  
39 engaged in patient-related tasks to aid the physical therapist in his  
40 or her practice of physical therapy.

1     ~~SEC. 24.~~

2     *SEC. 23.* Section 2623 is added to the Business and Professions  
3 Code, to read:

4     2623. The board may, by regulation, prescribe, amend, or repeal  
5 any rules contained within a code of professional conduct  
6 appropriate to the establishment and maintenance of integrity and  
7 dignity in the profession of physical therapy. Every licensee of the  
8 board shall be governed and controlled by the rules and standards  
9 adopted by the board.

10    ~~SEC. 25.~~

11    *SEC. 24.* The heading of Article 3 (commencing with Section  
12 2630) of Chapter 5.7 of Division 2 of the Business and Professions  
13 Code is repealed.

14    ~~SEC. 26.~~

15    *SEC. 25.* Section 2630 of the Business and Professions Code  
16 is amended to read:

17    2630. It is unlawful for any person or persons to practice, or  
18 offer to practice, physical therapy in this state for compensation  
19 received or expected, or to hold himself or herself out as a physical  
20 therapist, unless at the time of so doing the person holds a valid,  
21 unexpired, and unrevoked physical therapist license issued under  
22 this chapter, except as authorized by subdivisions (c), (d), (e), and  
23 (g) of Section 2630.5.

24    ~~SEC. 27.~~

25    *SEC. 26.* Section 2630.3 is added to the Business and  
26 Professions Code, to read:

27    2630.3. (a) A licensed physical therapist assistant holding a  
28 valid, unexpired, and unrevoked physical therapist assistant license  
29 may assist in the provision of physical therapy services only under  
30 the supervision of a physical therapist licensed by the board. A  
31 licensed physical therapist shall at all times be responsible for the  
32 extent, kind, quality, and documentation of all physical therapy  
33 services provided by the physical therapist assistant.

34    (b) It is unlawful for any person or persons to hold himself or  
35 herself out as a physical therapist assistant, unless at the time of  
36 so doing the person holds a valid, unexpired, and unrevoked  
37 physical therapist assistant license issued under this chapter, except  
38 as authorized in subdivisions (f) and (g) of Section 2630.5.

39    (c) Physical therapist assistants shall not be independently  
40 supervised by a physical therapist license applicant, as defined in

1 Section 2639, or a physical therapist student, as defined in Section  
2 2633.7.

3 (d) A physical therapist assistant shall not perform any  
4 evaluation of a patient or prepare a discharge summary. The  
5 supervising physical therapist shall determine which elements of  
6 the treatment plan, if any, shall be assigned to the physical therapist  
7 assistant. Assignment of patient care shall be commensurate with  
8 the competence of the physical therapist assistant.

9 ~~SEC. 28.~~

10 *SEC. 27.* Section 2630.4 is added to the Business and  
11 Professions Code, to read:

12 2630.4. (a) A “physical therapy aide” is an unlicensed person,  
13 at least 18 years of age, who aids a licensed physical therapist  
14 consistent with subdivision (b).

15 (b) The aide shall at all times be under the supervision of the  
16 physical therapist. An aide shall not independently perform  
17 physical therapy or any physical therapy procedure. The board  
18 shall adopt regulations that set forth the standards and requirements  
19 for the supervision of an aide by a physical therapist.

20 (c) Physical therapy aides shall not be independently supervised  
21 by a physical therapist license applicant, as defined in Section  
22 2639, or a physical therapist student, as defined in Section 2633.7.

23 (d) This section does not prohibit the administration by a  
24 physical therapy aide of massage, external baths, or normal exercise  
25 not a part of a physical therapy treatment.

26 ~~SEC. 29.~~

27 *SEC. 28.* Section 2630.5 is added to the Business and  
28 Professions Code, to read:

29 2630.5. The following persons are exempt from the licensure  
30 requirements of this chapter when engaged in the following  
31 activities:

32 (a) A regularly matriculated physical therapist student  
33 undertaking a course of professional instruction in an approved  
34 entry-level physical therapy education program or enrolled in a  
35 program of supervised clinical education under the direction of an  
36 approved physical therapy education program as described in  
37 Section 2651. These physical therapist students may perform  
38 physical therapy as a part of their course of study.

39 (b) A regularly matriculated physical therapist assistant student  
40 undertaking a course of instruction in an approved physical therapy

1 education program or enrolled in a program of supervised clinical  
2 education under the direction of an approved physical therapy  
3 education program as described in Section 2651. These physical  
4 therapist assistant students may perform physical therapy  
5 techniques as a part of their course of study.

6 (c) A physical therapist who holds ~~an~~ *a valid and* unrestricted  
7 license in another jurisdiction of the United States or *who is*  
8 credentialed to practice physical therapy in another country if that  
9 person is researching, demonstrating, or providing physical therapy  
10 in connection with teaching or participating in an educational  
11 seminar of no more than 60 days in a calendar year.

12 (d) A physical therapist located outside this state, when in actual  
13 consultation, whether within this state or across state lines, with a  
14 licensed physical therapist of this state, or when he or she is an  
15 invited guest of the American Physical Therapy Association or  
16 one of its components, or an invited guest of an approved physical  
17 therapy school or college for the sole purpose of engaging in  
18 professional education through lectures, clinics, or demonstrations,  
19 if, at the time of the consultation, lecture, or demonstration, he or  
20 she holds ~~an~~ *a valid and* unrestricted physical therapist license in  
21 the state or country in which he or she resides. The physical  
22 therapist shall not open an office, appoint a place to meet patients,  
23 receive calls from patients within the limits of this state, give  
24 orders, or have ultimate authority over the care of a physical  
25 therapy patient who is located within this state.

26 (e) A physical therapist who holds ~~an~~ *a valid and* unrestricted  
27 license in another jurisdiction of the United States or credentialed  
28 to practice physical therapy in another country if that person, by  
29 contract or employment, is providing physical therapy to  
30 individuals affiliated with or employed by established athletic  
31 teams, athletic organizations, or performing arts companies  
32 temporarily practicing, competing, or performing in the state for  
33 no more than 60 days in a calendar year.

34 (f) A physical therapist assistant who holds ~~an~~ *a valid and*  
35 unrestricted license in another jurisdiction of the United States and  
36 is assisting a physical therapist engaged in activities described in  
37 subdivision (c), (d), or (e).

38 (g) A physical therapist or physical therapist assistant who has  
39 ~~a current, valid,~~ *valid and* unrestricted license in a jurisdiction of  
40 the United States who is forced to leave his or her residence in a

1 state other than California due to a governmentally declared  
2 emergency. This exemption applies for no more than 60 days  
3 following the declaration of the emergency. In order to be eligible  
4 for this exemption, the physical therapist or physical therapist  
5 assistant shall notify the board of his or her intent to practice in  
6 this state and provide a valid mailing address, telephone number,  
7 and email address.

8 ~~SEC. 30.~~

9 *SEC. 29.* Section 2632 of the Business and Professions Code  
10 is repealed.

11 ~~SEC. 31.~~

12 *SEC. 30.* Section 2633.5 is added to the Business and  
13 Professions Code, to read:

14 2633.5. (a) Only a person licensed as a physical therapist  
15 assistant by the board may use the title “physical therapist assistant”  
16 or “physical therapy assistant” or the letters “PTA” or any other  
17 words, letters, or figures that indicate that the person is a physical  
18 therapist assistant licensed pursuant to this chapter.

19 (b) The license of a physical therapist assistant shall not  
20 authorize the use of the prefix “LPT,” “RPT,” “PT,” or ~~Dr.,~~ “Dr.,”  
21 or the title “physical therapist,” “therapist,” “doctor,” or any affix  
22 indicating or implying that the physical therapist assistant is a  
23 physical therapist or doctor.

24 ~~SEC. 32.~~

25 *SEC. 31.* Section 2633.7 is added to the Business and  
26 Professions Code, to read:

27 2633.7. During a period of clinical practice described in Section  
28 2650 or in any similar period of observation of related educational  
29 experience involving recipients of physical therapy, a person so  
30 engaged shall be identified only as a “physical therapist student”  
31 or a “physical therapist assistant student,” as authorized by the  
32 board in its regulations.

33 ~~SEC. 33.~~

34 *SEC. 32.* The heading of Article 3 (commencing with Section  
35 2635) is added to Chapter 5.7 of Division 2 of the Business and  
36 Professions Code, to read:

37  
38 Article 3. Qualifications and Requirements for Licensure  
39

1     ~~SEC. 34.~~

2     *SEC. 33.* Section 2636 of the Business and Professions Code  
3 is amended to read:

4     2636. (a) Except as otherwise provided in this chapter, no  
5 person shall receive a license under this chapter without first  
6 successfully passing the following examinations, where success  
7 is determined based on the examination passing standard set by  
8 the board:

9     (1) An examination under the direction of the board to  
10 demonstrate the applicant's knowledge of the laws and regulations  
11 related to the practice of physical therapy in California. The  
12 examination shall reasonably test the applicant's knowledge of  
13 these laws and regulations.

14     (2) The physical therapy examination for the applicant's  
15 licensure category. The examination for licensure as a physical  
16 therapist shall test entry-level competence to practice physical  
17 therapy. The examination for licensure as a physical therapist  
18 assistant shall test entry-level competence to practice as a physical  
19 therapist assistant in the technical application of physical therapy  
20 services.

21     (b) An applicant may take the examinations for licensure as a  
22 physical therapist or for licensure as a physical therapist assistant  
23 after the applicant has met the educational requirements for that  
24 particular category of licensure.

25     (c) The examinations required by the board for a license under  
26 this chapter may be conducted by the board or by a public or  
27 private organization specified by the board. The examinations may  
28 be conducted under a uniform examination system and, for that  
29 purpose, the board may make arrangements with organizations  
30 furnishing examination materials as may, in its discretion, be  
31 desirable.

32     ~~SEC. 35.~~

33     *SEC. 34.* Section 2636.5 of the Business and Professions Code  
34 is amended to read:

35     2636.5. (a) An applicant may be issued a license without a  
36 written examination if he or she meets all of the following:

37     (1) He or she is at the time of application licensed as a physical  
38 therapist or physical therapist assistant in a state, district, or  
39 territory of the United States having, in the opinion of the board,  
40 requirements for licensing equal to or higher than those in

1 California, and he or she has passed, to the satisfaction of the board,  
2 an examination for licensing that is, in the opinion of the board,  
3 comparable to the examination used in this state.

4 (2) He or she is a graduate of a physical therapist or physical  
5 therapist assistant education program approved by the board, or  
6 has met the requirements of Section ~~2639.1, 2653, or 2654~~ 2653.

7 (3) He or she files an application with the board and meets the  
8 requirements prescribed by Sections 2635 and 2650.

9 (b) An applicant for licensure under subdivision (a), whose  
10 application is based on a certificate issued by a physical therapy  
11 licensing authority of another state may be required to file a  
12 statement of past work activity.

13 (c) An applicant who has filed a physical therapy application  
14 under this section with the board for the first time may, between  
15 the date of receipt of notice that his or her application is on file  
16 and the date of receipt of his or her license, perform as a physical  
17 therapist *or physical therapist assistant, as appropriate*, under the  
18 supervision of a physical therapist licensed in this state.

19 During this period the applicant shall identify himself or herself  
20 only as a “physical therapist license applicant” or “physical  
21 therapist assistant license applicant,” as appropriate.

22 If the applicant under this section does not qualify and receive  
23 a license as provided in this section and does not qualify under  
24 Section 2639, all privileges under this section shall terminate upon  
25 notice by the board. An applicant may only qualify once to perform  
26 as a physical therapist license applicant *or physical therapist*  
27 *assistant license applicant*.

28 ~~SEC. 36.~~

29 *SEC. 35.* Section 2638 of the Business and Professions Code  
30 is amended to read:

31 2638. Any applicant for licensure as a physical therapist or  
32 physical therapist assistant who fails to pass the examination  
33 required by the board may ~~take another~~ *retake the licensing*  
34 examination and shall pay the reexamination fee.

35 ~~SEC. 37.~~

36 *SEC. 36.* Section 2639 of the Business and Professions Code  
37 is repealed.

38 ~~SEC. 38.~~

39 *SEC. 37.* Section 2639 is added to the Business and Professions  
40 Code, to read:

2639. (a) (1) Every graduate of an approved physical therapy education program who has filed a complete application, as defined in regulation, for licensure with the board and has been awarded either physical therapist license applicant status or physical therapist assistant license applicant status shall practice under the supervision of a licensed physical therapist pursuant to this chapter for no more than 120 days pending the results of the first licensing examination administered. If the applicant passes the examination, the physical therapist license applicant status or physical therapist assistant license applicant status shall remain in effect until a regular renewable license is issued, or licensure is denied, by the board. A supervising physical therapist shall document receipt of the letter authorizing the physical therapist license applicant status or physical therapist assistant license applicant status and record the expiration date of that status in the employee record. A supervising physical therapist shall require the applicant to provide documentation of the license issued at the conclusion of the physical therapist license applicant status or physical therapist assistant license applicant status. During this period the applicant shall identify himself or herself only as “physical therapist license applicant” or “physical therapist assistant license applicant,” as appropriate.

(2) A person shall not be considered a graduate unless he or she has successfully completed all the clinical training and internship required for graduation from the education program.

~~(3) A person who has filed a complete application pursuant to Section 2636.5 may be issued license applicant status authorizing that individual to practice under the provisions described in paragraph (1).~~

(b) A physical therapist license applicant who has been awarded license applicant status may perform as a physical therapist if he or she is under the supervision of a physical therapist licensed by the board. A physical therapist assistant license applicant who has been awarded license applicant status may perform as a physical therapist assistant if he or she is under the supervision of a physical therapist licensed by the board. The applicant shall comply with any requirements applicable to the license for which he or she applied. An applicant may not perform in those capacities if he or she fails the first examination attempt.



~~SEC. 39.~~

*SEC. 38.* Section 2639.1 is added to the Business and Professions Code, to read:

2639.1. A person ~~seeking licensure as a physical therapist assistant~~ having, in the opinion of the board, training or experience, or a combination of training and experience, equivalent to that obtained in an approved physical therapist assistant education program; and who ~~is, at the time of application, a person over 18 years of age, not addicted to alcohol or any controlled substance, and who has not committed acts or crimes constituting grounds for denial of licensure under Section 480~~ *meets the requirements of Section 2635* may apply ~~to the board~~ for licensure *as a physical therapist assistant*.

~~SEC. 40.~~

*SEC. 39.* Section 2640 of the Business and Professions Code is repealed.

~~SEC. 41.~~

*SEC. 40.* Article 4 (commencing with Section 2644) is added to Chapter 5.7 of Division 2 of the Business and Professions Code, to read:

#### Article 4. Renewal of Licenses

2644. (a) Every license issued under this chapter shall expire at 12 a.m. on the last day of the birth month of the licensee during the second year of a two-year term, if not renewed.

(b) To renew an unexpired license, the licensee shall, on or before the date on which it would otherwise expire, apply for renewal on a form prescribed by the board, pay the prescribed renewal fee, and submit proof of the completion of continuing competency required by the board pursuant to Section 2649. The licensee shall disclose on his or her license renewal application any misdemeanor or other criminal offense for which he or she has been found guilty or to which he or she has pleaded guilty or no contest.

2645. At least 60 days before the expiration of any license, the board shall mail to each licensee under this chapter, at the latest address furnished by the licensee to the board, a notice stating the amount of the renewal fee and the date on which it is due, and that

1 failure to pay it on or before the due date shall result in expiration  
2 of the license.

3 2646. A license that has expired may be renewed at any time  
4 within five years after its expiration by applying for renewal as  
5 set forth in Section 2644. Renewal under this section shall be  
6 effective on the date on which the renewal application is filed, on  
7 the date on which the renewal fee or accrued renewal fees are paid,  
8 or on the date on which the delinquency fee and penalty fee, if  
9 any, are paid, whichever last occurs. A renewed license shall  
10 continue in effect through the expiration date set forth in Section  
11 2644 that next occurs after the effective date of the renewal, at  
12 which time it shall expire and become invalid if it is not so  
13 renewed.

14 2647. A person who fails to renew his or her license within  
15 five years after its expiration may not renew it, and it shall not be  
16 reissued, reinstated, or restored thereafter. However, the person  
17 may apply for a new license if he or she satisfies the requirements  
18 set forth in Article 3 (commencing with Section 2635).

19 2648. (a) A licensee is exempt from the payment of the renewal  
20 fee while engaged in full-time training or active service in the  
21 United States Army, Navy, Air Force, Marines, or Coast Guard,  
22 or in the United States Public Health Service.

23 (b) A person exempted from the payment of the renewal fee by  
24 this section shall not engage in any practice of, or assistance in the  
25 provision of, physical therapy not related to his or her military  
26 service and shall become liable for payment of the fee for the  
27 current renewal period upon his or her discharge from full-time  
28 active service and shall have a period of 60 days after becoming  
29 liable within which to pay the renewal fee before the delinquency  
30 fee is required. Any person who is discharged from active service  
31 within 60 days of the end of the renewal period is exempt from  
32 the payment of the renewal fee for that period.

33 (c) The time spent in full-time active service or training shall  
34 not be included in the computation of the five-year period for  
35 renewal and reinstatement of licensure provided in Section 2646.

36 (d) A person exempt from renewal fees under this section shall  
37 not be exempt from meeting the requirements of Section 2649.

38 2648.3. A licensee who demonstrates to the satisfaction of the  
39 board that he or she is unable to practice, or assist in the provision  
40 of, physical therapy due to a disability may request a waiver of

1 the license renewal fee. The granting of a waiver shall be at the  
2 discretion of the board and may be terminated at any time. Waivers  
3 shall be based on the inability of a licensee to practice, or assist in  
4 the provision of, physical therapy. A licensee whose renewal fee  
5 has been waived pursuant to this section shall not engage in the  
6 practice of, or assist in the provision of, physical therapy unless  
7 and until the licensee pays the current renewal fee and does either  
8 of the following:

9 (a) Establishes to the satisfaction of the board, on a form  
10 prescribed by the board and signed under penalty of perjury, that  
11 the licensee's disability either no longer exists or does not affect  
12 his or her ability to practice, or assist in the provision of, physical  
13 therapy safely.

14 (b) Signs an agreement, on a form prescribed by the board and  
15 signed under penalty of perjury, to limit his or her practice of, or  
16 assistance in the provision of, physical therapy in the manner  
17 prescribed by his or her reviewing physician.

18 (c) A person exempt from renewal fees under this section shall  
19 not be exempt from meeting the requirements of Section 2649.

20 2648.5. (a) The renewal fee shall be waived for licensees  
21 residing in California who certify to the board that license renewal  
22 is for the sole purpose of providing voluntary, unpaid physical  
23 therapy services.

24 (b) A person exempt from renewal fees under this section shall  
25 not be exempt from meeting the requirements of Section 2649.

26 2648.7. A licensee is exempt from the payment of the renewal  
27 fee and from meeting the requirements set forth in Section 2649  
28 if he or she has applied to the board for retired license status. A  
29 holder of a license in retired status pursuant to this section shall  
30 not engage in the practice of, or assist in the provision of, physical  
31 therapy unless the licensee applies for renewal and meets all of  
32 the requirements as set forth in Section 2644.

33 ~~SEC. 42.~~

34 *SEC. 41.* The heading of Article 4 (commencing with Section  
35 2650) of Chapter 5.7 of Division 2 of the Business and Professions  
36 Code is amended and renumbered to read:

37  
38 Article 5. Educational Standards  
39

1     ~~SEC. 43.~~

2     ~~SEC. 42.~~ Section 2650 of the Business and Professions Code  
3 is repealed.

4     ~~SEC. 44.~~

5     ~~SEC. 43.~~ Section 2650 is added to the Business and Professions  
6 Code, to read:

7     2650. (a) The physical therapist education requirements are  
8 as follows:

9     (1) Except as otherwise provided in this chapter, each applicant  
10 for a license as a physical therapist shall be a graduate of a  
11 professional degree program of an accredited postsecondary  
12 institution or institutions approved by the board and shall have  
13 completed a professional education program including academic  
14 course work and clinical internship in physical therapy.

15     (2) Unless otherwise specified by the board by regulation, the  
16 educational requirements shall include instruction in the subjects  
17 prescribed by the Commission on Accreditation in Physical  
18 Therapy Education (CAPTE) of the American Physical Therapy  
19 Association or ~~the Accreditation Council of Canadian~~  
20 *Physiotherapy Education Accreditation Canada* and shall include  
21 a combination of didactic and clinical experiences. The clinical  
22 experience shall include at least 18 weeks of full-time experience  
23 with a variety of patients.

24     (b) The physical therapist assistant educational requirements  
25 are as follows:

26     (1) Except as otherwise provided in this chapter, each applicant  
27 for a license as a physical therapist assistant shall be a graduate of  
28 a physical therapist assistant program of an accredited  
29 postsecondary institution or institutions approved by the board,  
30 and shall have completed both the academic and clinical experience  
31 required by the physical therapist assistant program, and have been  
32 awarded an associate degree.

33     (2) Unless otherwise specified by the board by regulation, the  
34 educational requirements shall include instruction in the subjects  
35 prescribed by the CAPTE of the American Physical Therapy  
36 Association or ~~the Accreditation Council of Canadian~~  
37 *Physiotherapy Education Accreditation Canada* or such other body  
38 as may be approved by the board by regulation and shall include  
39 a combination of didactic and clinical experiences. The clinical

1 experience shall include at least 18 weeks of full-time experience  
2 with a variety of patients.

3 ~~SEC. 45.~~

4 ~~SEC. 44.~~ Section 2650.1 of the Business and Professions Code  
5 is repealed.

6 ~~SEC. 46.~~

7 ~~SEC. 45.~~ Section 2650.2 of the Business and Professions Code  
8 is repealed.

9 ~~SEC. 47.~~

10 ~~SEC. 46.~~ Section 2651 of the Business and Professions Code  
11 is amended to read:

12 2651. The board shall approve only those physical therapist  
13 and physical therapist assistant education programs that prove to  
14 the satisfaction of the board that they comply with the minimum  
15 physical therapist or physical therapist assistant educational  
16 requirements set forth in this chapter and adopted by the board  
17 pursuant to this chapter. Physical therapist and physical therapist  
18 assistant education programs that are accredited by the Commission  
19 on Accreditation in Physical Therapy Education of the American  
20 Physical Therapy Association (~~APTA~~) or the Accreditation Council  
21 of Canadian Physiotherapy *Education Accreditation Canada* or  
22 such other body as may be approved by the board by regulation,  
23 shall be deemed approved by the board unless the board determines  
24 otherwise. This chapter shall not prohibit the board from  
25 disapproving any foreign physical therapist or physical therapist  
26 assistant educational program or from denying an applicant if, in  
27 the opinion of the board, the instruction received by the applicant  
28 or the courses offered by the program were not equivalent to that  
29 which is required by this chapter.

30 ~~SEC. 48.~~

31 ~~SEC. 47.~~ Section 2652 of the Business and Professions Code  
32 is repealed.

33 ~~SEC. 49.~~

34 ~~SEC. 48.~~ Section 2653 of the Business and Professions Code  
35 is repealed.

36 ~~SEC. 50.~~

37 ~~SEC. 49.~~ Section 2653 is added to the Business and Professions  
38 Code, to read:

39 2653. An applicant for a license as a physical therapist who  
40 has graduated from a physical therapist education program that is

1 not approved by the board and is not located in the United States  
2 shall do all of the following:

3 (a) Furnish documentary evidence satisfactory to the board, that  
4 he or she has completed a professional degree in a physical  
5 therapist educational program substantially equivalent at the time  
6 of his or her ~~graduation~~ *graduation* to that issued by a board  
7 approved physical therapist education program. The professional  
8 degree must entitle the applicant to practice as a physical therapist  
9 in the country where the diploma was issued. The applicant shall  
10 meet the educational requirements set forth in paragraph (2) of  
11 subdivision (a) of Section 2650. The board may require an  
12 applicant to submit documentation of his or her education to a  
13 credentials evaluation service for review and a report to the board.

14 (b) Demonstrate proficiency in English by achieving a score  
15 specified by the board on the Test of ~~Spoken~~ *Spoken English as a Foreign*  
16 *Language* administered by the Educational Testing Services or  
17 such other examination as may be specified by the board by  
18 regulation.

19 (c) Complete nine months of clinical service in a location  
20 approved by the board under the supervision of a physical therapist  
21 licensed by a United States jurisdiction, in a manner satisfactory  
22 to the board. The applicant shall have passed the written  
23 examination required in Section 2636 prior to commencing the  
24 period of clinical service. The board shall require the supervising  
25 physical therapist to evaluate the applicant and report his or her  
26 findings to the board. The board may in its discretion waive all or  
27 part of the required clinical service pursuant to guidelines set forth  
28 in its regulations. During the period of clinical service, the applicant  
29 shall be identified as a physical therapist license applicant. If an  
30 applicant fails to complete the required period of clinical service,  
31 the board may, for good cause shown, allow the applicant to  
32 complete another period of clinical service.

33 ~~SEC. 51.~~

34 *SEC. 50.* Section 2654 is added to the Business and Professions  
35 Code, to read:

36 2654. If an applicant who has graduated from a physical  
37 therapist education program that is not approved by the board and  
38 is not located in the United States does not qualify to take the  
39 physical therapist examination, his or her education may be

1 evaluated by the board and the applicant may be eligible to take  
2 the physical therapist assistant examination.

3 ~~SEC. 52.~~

4 *SEC. 51.* Article 4.5 (commencing with Section 2655) of  
5 Chapter 5.7 of Division 2 of the Business and Professions Code  
6 is repealed.

7 ~~SEC. 53.~~

8 *SEC. 52.* The heading of Article 5 (commencing with Section  
9 2660) of Chapter 5.7 of Division 2 of the Business and Professions  
10 Code is amended and renumbered to read:

11  
12 Article 6. Enforcement

13  
14 ~~SEC. 54.~~

15 *SEC. 53.* Section 2660 of the Business and Professions Code  
16 is amended to read:

17 2660. Unprofessional conduct constitutes grounds for citation,  
18 discipline, denial of a license, or issuance of a probationary license.  
19 The board may, after the conduct of appropriate proceedings under  
20 the Administrative Procedure Act (*Chapter 4.5 (commencing with*  
21 *Section 11400) of Part 1 of Division 3 of Title 2 of the Government*  
22 *Code*), issue a citation, impose discipline, deny a license, suspend  
23 for not more than 12 months, or revoke, or impose probationary  
24 conditions upon any license issued under this chapter for  
25 unprofessional conduct that includes, in addition to other provisions  
26 of this chapter, but is not limited to, the following:

27 (a) Violating or attempting to violate, directly or indirectly,  
28 assisting in or abetting the violation of, or conspiring to violate  
29 any provision of this chapter, any regulations duly adopted under  
30 this chapter, or the Medical Practice Act (*Chapter 5 (commencing*  
31 *with Section 2000*).

32 (b) Advertising in violation of Section 17500.

33 (c) Obtaining or attempting to obtain a license by fraud or  
34 misrepresentation.

35 (d) Practicing or offering to practice beyond the scope of practice  
36 of physical therapy.

37 (e) Conviction of a crime that substantially relates to the  
38 qualifications, functions, or duties of a physical therapist or  
39 physical therapist assistant. The record of conviction or a certified  
40 copy thereof shall be conclusive evidence of that conviction.

(f) Unlawful possession or use of, or conviction of a criminal offense involving, a controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Article 2 (commencing with Section 4015) of Chapter 9, as follows:

(1) Obtaining or possessing in violation of law, or except as directed by a licensed physician and surgeon, dentist, or podiatrist, administering to himself or herself, or furnishing or administering to another, any controlled substances or any dangerous drug.

(2) Using any controlled substance or any dangerous drug.

(3) Conviction of a criminal offense involving the consumption or self-administration of, or the possession of, or falsification of a record pertaining to, any controlled substance or any dangerous drug, in which event the record of the conviction is conclusive evidence thereof.

(g) Failure to maintain adequate and accurate records relating to the provision of services to his or her patients.

(h) Gross negligence or repeated acts of negligence in practice or in the delivery of physical therapy care.

(i) Aiding or abetting any person to engage in the unlawful practice of physical therapy.

(j) The commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapist assistant.

(k) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the board, thereby risking transmission of blood-borne infectious diseases from licensee to patient, from patient to patient, and from patient to licensee. In administering this subdivision, the board shall consider referencing the standards, regulations, and guidelines of the State Department of Public Health developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, regulations, and guidelines pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other blood-borne pathogens in health care settings. As necessary, the board shall consult with the Medical Board of California, the California Board of Podiatric Medicine, the Dental Board of California, the Board of Registered Nursing, and the Board of Vocational Nursing and Psychiatric



1 Technicians of the State of California, to encourage appropriate  
2 consistency in the implementation of this subdivision.

3 (l) The commission of verbal abuse or sexual harassment.

4 (m) Engaging in sexual misconduct or violating Section 726.

5 (n) Permitting a physical therapist assistant or physical therapy  
6 aide under one's supervision or control to perform, or permitting  
7 the physical therapist assistant or physical therapy aide to hold  
8 himself or herself out as competent to perform, professional  
9 services beyond the level of education, training, and experience  
10 of the physical therapist assistant or aide.

11 (o) The revocation, suspension, or other discipline, restriction,  
12 or limitation imposed by another state upon a license or certificate  
13 to practice physical therapy issued by that state, or the revocation,  
14 suspension, or restriction of the authority to practice physical  
15 therapy by any agency of the federal government.

16 (p) Viewing a completely or partially disrobed patient in the  
17 course of treatment if the viewing is not necessary to patient  
18 evaluation or treatment under current standards.

19 (q) Engaging in any act in violation of Section 650, 651, or  
20 654.2.

21 (r) Charging a fee for services not performed.

22 (s) Misrepresenting documentation of patient care or deliberate  
23 falsifying of patient records.

24 (t) Except as otherwise allowed by law, the employment of  
25 runners, cappers, steerers, or other persons to procure patients.

26 (u) The willful, unauthorized violation of professional  
27 confidence.

28 (v) Failing to maintain confidentiality, except as otherwise  
29 required or permitted by law, of all information that has been  
30 received from a patient in confidence during the course of treatment  
31 and all information about the patient that is obtained from tests or  
32 other means.

33 (w) Habitual intemperance.

34 ~~SEC. 55.~~

35 *SEC. 54.* Section 2660.2 of the Business and Professions Code  
36 is amended to read:

37 2660.2. (a) The board may refuse a license to any applicant  
38 guilty of unprofessional conduct or sexual activity referred to in  
39 Section 2660.1. The board may, in its sole discretion, issue a public  
40 letter of reprimand in accordance with Section 2660.3 or may issue

1 a probationary license to any applicant for a license who is guilty  
2 of unprofessional conduct but who has met all other requirements  
3 for licensure. The board may issue the license subject to any terms  
4 or conditions not contrary to public policy, including, but not  
5 limited to, the following:

- 6 (1) Medical or psychiatric evaluation.
- 7 (2) Continuing medical or psychiatric treatment.
- 8 (3) Restriction of the type or circumstances of practice.
- 9 (4) Continuing participation in a board-approved rehabilitation  
10 program.
- 11 (5) Abstention from the use of alcohol or drugs.
- 12 (6) Random fluid testing for alcohol or drugs.
- 13 (7) Compliance with laws and regulations governing the practice  
14 of physical therapy.

15 (b) The applicant shall have the right to appeal the denial, or  
16 the issuance with terms and conditions, of any license in  
17 accordance with Chapter 5 (commencing with Section 11500) of  
18 Part 1 of Division 3 of Title 2 of the Government Code, and the  
19 board shall have all the powers granted therein. The action shall  
20 be final, except that the propriety of the action is subject to review  
21 by the superior court pursuant to Section 1094.5 of the Code of  
22 Civil Procedure.

23 (c) In lieu of refusing a license, the board may, upon stipulation  
24 or agreement by the licensee, issue a public letter of reprimand  
25 after it has conducted an investigation or inspection as provided  
26 for in this chapter. The public letter of reprimand may include a  
27 requirement for specified training or education, and cost recovery  
28 for investigative costs. The board shall notify the licensee of its  
29 intention to issue the letter 30 days before the intended issuance  
30 date of the letter. The licensee shall indicate in writing at least 15  
31 days prior to the letter's intended issuance date whether he or she  
32 agrees to the issuance of the letter. The board, at its option, may  
33 extend the time within which the licensee may respond to its  
34 notification. If the licensee does not agree to the issuance of the  
35 letter, the board shall not issue the letter and may proceed to file  
36 the accusation. The board may use a public letter of reprimand  
37 only for minor violations, as defined by the board, committed by  
38 the applicant. A public letter of reprimand issued pursuant to this  
39 section shall be disclosed by the board to an inquiring member of  
40 the public and shall be posted on the board's Internet Web site.

1     ~~SEC. 56.~~

2     *SEC. 55.* Section 2660.3 of the Business and Professions Code  
3 is amended to read:

4     2660.3. In lieu of filing or prosecuting a formal accusation  
5 against a licensee, the board may, upon stipulation or agreement  
6 by the licensee, issue a public letter of reprimand after it has  
7 conducted an investigation or inspection as provided for in this  
8 chapter. The public letter of reprimand may include a requirement  
9 for specified training or education, and cost recovery for  
10 investigative costs. The board shall notify the licensee of its  
11 intention to issue the letter 30 days before the intended issuance  
12 date of the letter. The licensee shall indicate in writing at least 15  
13 days prior to the letter's intended issuance date whether he or she  
14 agrees to the issuance of the letter. The board, at its option, may  
15 extend the time within which the licensee may respond to its  
16 notification. If the licensee does not agree to the issuance of the  
17 letter, the board shall not issue the letter and may proceed to file  
18 the accusation. The board may use a public letter of reprimand  
19 only for minor violations, as defined by the board, committed by  
20 the licensee. A public letter of reprimand issued pursuant to this  
21 section shall be disclosed by the board to an inquiring member of  
22 the public and shall be posted on the board's Internet Web site.

23     ~~SEC. 57.~~

24     *SEC. 56.* Section 2660.4 is added to the Business and  
25 Professions Code, to read:

26     2660.4. A licensee who fails or refuses to comply with a request  
27 from the board for the medical records of a patient, that is  
28 accompanied by that patient's written authorization for release of  
29 records to the board, within 15 days of receiving the request and  
30 authorization shall pay to the board a civil penalty of one thousand  
31 dollars (\$1,000) per day for each day that the records have not  
32 been produced after the 15th day, unless the licensee is unable to  
33 provide the records within this time period for good cause.

34     ~~SEC. 58.~~

35     *SEC. 57.* Section 2660.5 of the Business and Professions Code  
36 is amended to read:

37     2660.5. The board shall deny a physical therapist license or  
38 physical therapist assistant license to an applicant who is required  
39 to register pursuant to Section 290 of the Penal Code. This section  
40 does not apply to an applicant who is required to register as a sex

1 offender pursuant to Section 290 of the Penal Code solely because  
2 of a misdemeanor conviction under Section 314 of the Penal Code.

3 ~~SEC. 59.~~

4 *SEC. 58.* Section 2660.8 is added to the Business and  
5 Professions Code, to read:

6 2660.8. A licensee whose matter has been heard by an  
7 administrative law judge of the Medical Quality Hearing Panel as  
8 designated in Section 11371 of the Government Code, or whose  
9 default has been entered or who has entered into a stipulation for  
10 disciplinary action with the board, may, in accordance with the  
11 provisions of this chapter:

12 (a) Have his or her license revoked upon order of the board.

13 (b) Have his or her right to practice suspended for a period not  
14 to exceed one year upon order of the board.

15 (c) Be placed on probation and required to pay the costs of  
16 probation monitoring upon order of the board.

17 (d) Be publicly reprimanded by the board.

18 (e) Be required to surrender his or her license based on an order  
19 of the board.

20 (f) Have any other action taken in relation to discipline as part  
21 of an order of probation, as the board or an administrative law  
22 judge may deem proper.

23 ~~SEC. 60.~~

24 *SEC. 59.* Section 2661 of the Business and Professions Code  
25 is amended to read:

26 2661. A plea or verdict of guilty or a conviction following a  
27 plea of nolo contendere is deemed to be a conviction within the  
28 meaning of this article. The board may order discipline of the  
29 licensee in accordance with Section 2660 or the board may take  
30 action as authorized in Section 2660.2 on an application when the  
31 time for appeal has elapsed, or the judgment of conviction has  
32 been affirmed on appeal or when an order granting probation is  
33 made suspending the imposition of sentence, irrespective of a  
34 subsequent order under Section 1203.4 of the Penal Code allowing  
35 that person to withdraw his or her plea of guilty and to enter a plea  
36 of not guilty, or setting aside the verdict of guilty, or dismissing  
37 the accusation, information, or indictment.

38 ~~SEC. 61.~~

39 *SEC. 60.* Section 2661.7 of the Business and Professions Code  
40 is amended to read:

1     2661.7. (a) A person whose license has been revoked or  
2     suspended, or who has been placed on probation, may petition the  
3     board for reinstatement or modification of penalty, including  
4     modification or termination of probation, after a period of not less  
5     than the following minimum periods has elapsed from the effective  
6     date of the decision ordering that disciplinary action:

7     (1) At least three years for reinstatement of a license or approval  
8     revoked for unprofessional conduct, except that the board may,  
9     for good cause shown, specify in a revocation order that a petition  
10    for reinstatement may be filed after two years.

11    (2) At least two years for early termination or one year for  
12    modification of a condition of probation of three years or more.

13    (3) At least one year for reinstatement of a license revoked for  
14    mental or physical illness, or for modification of a condition, or  
15    termination of probation of less than three years.

16    (b) The petition shall state any facts as may be required by the  
17    board. The petition shall be accompanied by at least two verified  
18    recommendations from physical therapists licensed by the board  
19    who have personal knowledge of the activities of the petitioner  
20    since the disciplinary penalty was imposed.

21    (c) The petition may be heard by the board. The board may  
22    assign the petition to an administrative law judge designated in  
23    Section 11371 of the Government Code. After a hearing on the  
24    petition, the administrative law judge shall provide a proposed  
25    decision to the board that shall be acted upon in accordance with  
26    the Administrative Procedure Act.

27    (d) The board or the administrative law judge hearing the  
28    petition may consider all activities of the petitioner since the  
29    disciplinary action was taken, the offense for which the petitioner  
30    was disciplined, the petitioner's activities during the time the  
31    license was in good standing, and the petitioner's rehabilitative  
32    efforts, general reputation for truth, and professional ability. The  
33    hearing may be continued, as the board or the administrative law  
34    judge designated in Section 11371 of the Government Code finds  
35    necessary.

36    (e) The administrative law judge designated in Section 11371  
37    of the Government Code when hearing a petition for reinstating a  
38    license, or modifying a penalty, may recommend the imposition  
39    of any terms and conditions deemed necessary.

(f) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner. The board may deny, without a hearing or argument, any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.

(g) Nothing in this section shall be deemed to alter Sections 822 and 823.

~~SEC. 62.~~

*SEC. 61.* The heading of Article 5.5 (commencing with Section 2662) of Chapter 5.7 of Division 2 of the Business and Professions Code is amended and renumbered to read:

Article 7. Substance Abuse Rehabilitation Program

~~SEC. 63.~~

*SEC. 62.* Section 2663 of the Business and Professions Code is amended to read:

2663. The board shall establish and administer a substance abuse rehabilitation program, hereafter referred to as the rehabilitation program, for the rehabilitation of physical therapists and physical therapist assistants whose competency is impaired due to the abuse of drugs or alcohol. The board may contract with any other state agency or a private organization to perform its duties under this article. The board may establish one or more rehabilitation evaluation committees to assist it in carrying out its duties under this article. Any rehabilitation evaluation committee established by the board shall operate under the direction of the rehabilitation program manager, as designated by the executive officer of the board. The program manager has the primary responsibility to review and evaluate recommendations of the committee.

~~SEC. 64.~~

*SEC. 63.* Section 2664 of the Business and Professions Code is amended to read:

2664. (a) Any rehabilitation evaluation committee established by the board shall have at least three members. In making appointments to a rehabilitation evaluation committee, the board

1 shall consider the appointment of persons who are either recovering  
2 from substance abuse and have been free from substance abuse  
3 for at least three years immediately prior to their appointment or  
4 who are knowledgeable in the treatment and recovery of substance  
5 abuse. The board also shall consider the appointment of a physician  
6 and surgeon who is board certified in psychiatry.

7 (b) Appointments to a rehabilitation evaluation committee shall  
8 be by the affirmative vote of a majority of members appointed to  
9 the board. Each appointment shall be at the pleasure of the board  
10 for a term not to exceed four years. In its discretion, the board may  
11 stagger the terms of the initial members so appointed.

12 (c) A majority of the members of a rehabilitation evaluation  
13 committee shall constitute a quorum for the transaction of business.  
14 Any action requires an affirmative vote of a majority of those  
15 members present at a meeting constituting at least a quorum. Each  
16 rehabilitation evaluation committee shall elect from its membership  
17 a chairperson and a vice chairperson. Notwithstanding the  
18 Bagley-Keene Open Meeting Act (Article 9 (commencing with  
19 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of  
20 the Government Code), relating to public meetings, a rehabilitation  
21 evaluation committee may convene in closed session to consider  
22 matters relating to any physical therapist or physical therapist  
23 assistant applying for or participating in a rehabilitation program,  
24 and a meeting which will be convened entirely in closed session  
25 need not comply with Section 11125 of the Government Code. A  
26 rehabilitation evaluation committee shall only convene in closed  
27 session to the extent it is necessary to protect the privacy of an  
28 applicant or participant. Each member of a rehabilitation evaluation  
29 committee shall receive a per diem and shall be reimbursed for  
30 expenses as provided in Section 103.

31 ~~SEC. 65.~~

32 *SEC. 64.* Section 2665 of the Business and Professions Code  
33 is amended to read:

34 2665. Each rehabilitation evaluation committee has the  
35 following duties and responsibilities:

36 (a) To evaluate physical therapists and physical therapist  
37 assistants who request participation in the rehabilitation program  
38 and to make recommendations. In making recommendations, the  
39 committee shall consider any recommendations from professional

1 consultants on the admission of applicants to the rehabilitation  
2 program.

3 (b) To review and ~~designation of~~ *designate* treatment facilities  
4 to which physical therapists and physical therapist assistants in  
5 the rehabilitation program may be referred.

6 (c) To receive and review information concerning physical  
7 therapists and physical therapist assistants participating in the  
8 program.

9 (d) Calling meetings as necessary to consider the requests of  
10 physical therapists and physical therapist assistants to participate  
11 in the rehabilitation program, to consider reports regarding  
12 participants in the program, and to consider any other matters  
13 referred to it by the board.

14 (e) To consider whether each participant in the rehabilitation  
15 program may with safety continue or resume the practice of  
16 physical therapy.

17 (f) To set forth in writing the terms and conditions of the  
18 rehabilitation agreement that is approved by the program manager  
19 for each physical therapist and physical therapist assistant  
20 participating in the program, including treatment, supervision, and  
21 monitoring requirements.

22 (g) To hold a general meeting at least twice a year, which shall  
23 be open and public, to evaluate the rehabilitation program's  
24 progress, to prepare reports to be submitted to the board, and to  
25 suggest proposals for changes in the rehabilitation program.

26 (h) For the purposes of Division 3.6 (commencing with Section  
27 810) of Title 1 of the Government Code, any member of a  
28 rehabilitation evaluation committee shall be considered a public  
29 employee. No board or rehabilitation evaluation committee  
30 member, contractor, or agent thereof, shall be liable for any civil  
31 damage because of acts or omissions which may occur while acting  
32 in good faith in a program established pursuant to this article.

33 ~~SEC. 66.~~

34 *SEC. 65.* Section 2666 of the Business and Professions Code  
35 is amended to read:

36 2666. (a) Criteria for acceptance into the rehabilitation program  
37 shall include all of the following:

38 (1) The applicant shall be licensed as a physical therapist or as  
39 a physical therapist assistant by the board and shall be a resident  
40 of California.



1 (2) The applicant shall be found to abuse dangerous drugs or  
2 alcoholic beverages in a manner that may affect his or her ability  
3 to practice physical therapy safely or competently.

4 (3) The applicant shall have voluntarily requested admission to  
5 the program or shall be accepted into the program in accordance  
6 with terms and conditions resulting from a disciplinary action.

7 (4) The applicant shall agree to undertake any medical or  
8 psychiatric examination ordered to evaluate the applicant for  
9 participation in the program.

10 (5) The applicant shall cooperate with the program by providing  
11 medical information, disclosure authorizations, and releases of  
12 liability as may be necessary for participation in the program.

13 (6) The applicant shall agree in writing to cooperate with all  
14 elements of the treatment program designed for him or her.

15 Any applicant may be denied participation in the program if the  
16 board, the program manager, or a rehabilitation evaluation  
17 committee determines that the applicant will not substantially  
18 benefit from participation in the program or that the applicant's  
19 participation in the program creates too great a risk to the public  
20 health, safety, or welfare.

21 (b) A participant may be terminated from the program for any  
22 of the following reasons:

23 (1) The participant has successfully completed the treatment  
24 program.

25 (2) The participant has failed to comply with the treatment  
26 program designated for him or her.

27 (3) The participant fails to meet any of the criteria set forth in  
28 subdivision (a) or (c).

29 (4) It is determined that the participant has not substantially  
30 benefited from participation in the program or that his or her  
31 continued participation in the program creates too great a risk to  
32 the public health, safety, or welfare. Whenever an applicant is  
33 denied participation in the program or a participant is terminated  
34 from the program for any reason other than the successful  
35 completion of the program, and it is determined that the continued  
36 practice of physical therapy by that individual creates too great a  
37 risk to the public health, safety, and welfare, that fact shall be  
38 reported to the executive officer of the board and all documents  
39 and information pertaining to and supporting that conclusion shall  
40 be provided to the executive officer. The matter may be referred

1 for investigation and disciplinary action by the board. Each physical  
2 therapist or physical therapy assistant who requests participation  
3 in a rehabilitation program shall agree to cooperate with the  
4 recovery program designed for him or her. Any failure to comply  
5 with that program may result in termination of participation in the  
6 program.

7 The rehabilitation evaluation committee shall inform each  
8 participant in the program of the procedures followed in the  
9 program, of the rights and responsibilities of a physical therapist  
10 or physical therapist assistant in the program, and the possible  
11 results of noncompliance with the program.

12 (c) In addition to the criteria and causes set forth in subdivision  
13 (a), the board may set forth in its regulations additional criteria for  
14 admission to the program or causes for termination from the  
15 program.

16 ~~SEC. 67.~~

17 *SEC. 66.* Section 2667 of the Business and Professions Code  
18 is amended to read:

19 2667. All board and rehabilitation evaluation committee records  
20 and records of proceedings and participation of a physical therapist  
21 or physical therapist assistant in a program shall be confidential  
22 and are not subject to discovery or subpoena.

23 ~~SEC. 68.~~

24 *SEC. 67.* Section 2668 of the Business and Professions Code  
25 is amended to read:

26 2668. (a) A fee to cover the actual cost of administering the  
27 program shall be charged for participation in the program. If the  
28 board contracts with any other entity to carry out this article, at  
29 the discretion of the board, the fee may be collected and retained  
30 by that entity.

31 (b) If the board contracts with any other entity to carry out this  
32 section, the executive officer of the board, or his or her designee,  
33 shall review the activities and performance of the contractor on a  
34 biennial basis. As part of this review, the board shall review files  
35 of participants in the program. However, the names of participants  
36 who entered the program voluntarily shall remain confidential,  
37 except when the review reveals misdiagnosis, case  
38 mismanagement, or noncompliance by the participant.

39 (c) Subdivision (a) shall apply to all new participants entering  
40 into the board's rehabilitation program on or after January 1, 2007.

1 Subdivision (a) shall apply on and after January 1, 2008, to  
2 participants currently enrolled as of December 31, 2007.

3 ~~SEC. 69.~~

4 *SEC. 68.* Section 2669 of the Business and Professions Code  
5 is amended to read:

6 2669. Participation in a rehabilitation program shall not be a  
7 defense to any disciplinary action that may be taken by the board.  
8 This section does not preclude the board from commencing  
9 disciplinary action against a physical therapist or physical therapist  
10 assistant who is terminated unsuccessfully from the program. That  
11 disciplinary action may not include as evidence any confidential  
12 information.

13 ~~SEC. 70.~~

14 *SEC. 69.* The heading of Article 6 (commencing with Section  
15 2670) of Chapter 5.7 of Division 2 of the Business and Professions  
16 Code is amended and renumbered to read:

17  
18 Article 8. Offenses Against this Chapter  
19

20 ~~SEC. 71.~~

21 *SEC. 70.* Section 2672 of the Business and Professions Code  
22 is amended to read:

23 2672. Whenever any person has engaged or is about to engage  
24 in any acts or practices that constitute or will constitute an offense  
25 against this chapter, the superior court of any county, on application  
26 of the board, or 10 or more persons holding physical therapist  
27 licenses issued under this chapter, may issue an injunction or other  
28 appropriate order restraining the conduct. Proceedings under this  
29 section shall be governed by Chapter 3 (commencing with Section  
30 525) of Title 7 of Part 2 of the Code of Civil Procedure.

31 ~~SEC. 72.~~

32 *SEC. 71.* The heading of Article 6.5 (commencing with Section  
33 2676) of Chapter 5.7 of Division 2 of the Business and Professions  
34 Code is repealed.

35 ~~SEC. 73.~~

36 *SEC. 72.* Section 2676 of the Business and Professions Code  
37 is amended and renumbered to read:

38 2649. (a) A person renewing his or her license shall submit  
39 proof satisfactory to the board that, during the preceding two years,  
40 he or she has completed the required number of continuing

1 education hours established by regulation by the board, or such  
2 other proof of continuing competency as the board may establish  
3 by regulation. Required continuing education shall not exceed 30  
4 hours every two years.

5 (b) The board shall adopt and administer regulations including,  
6 but not limited to, continuing education intended to ensure the  
7 continuing competency of persons licensed pursuant to this chapter.  
8 The board may establish different requirements for physical  
9 therapists and physical therapist assistants. The board may not  
10 require the completion of an additional postsecondary degree or  
11 successful completion of an examination as a condition of renewal,  
12 but may recognize these as demonstrative of continuing  
13 competency. This program shall include provisions requiring  
14 random audits of licensees in order to ensure compliance.

15 (c) The administration of this section may be funded through  
16 professional license fees, continuing education provider fees, and  
17 recognized approval agency fees. The fees shall not exceed the  
18 amounts necessary to cover the actual costs of administering this  
19 section.

20 ~~SEC. 74.~~

21 *SEC. 73.* The heading of Article 7 (commencing with Section  
22 2680) of Chapter 5.7 of Division 2 of the Business and Professions  
23 Code is amended and renumbered to read:

24  
25 Article 9. Fiscal Administration

26  
27 ~~SEC. 75.~~

28 *SEC. 74.* Section 2682 of the Business and Professions Code  
29 is amended to read:

30 2682. There is in the State Treasury the Physical Therapy Fund.  
31 All collections from persons licensed or seeking to be licensed  
32 shall be paid by the board into the fund after reporting to the  
33 Controller at the beginning of each month the amount and source  
34 of the collections. All money in the Physical Therapy Fund is  
35 appropriated for the exclusive purpose of executing this chapter.

36 ~~SEC. 76.~~

37 *SEC. 75.* Section 2683 of the Business and Professions Code  
38 is repealed.

~~SEC. 77.~~

*SEC. 76.* Section 2684 of the Business and Professions Code is repealed.

~~SEC. 78.~~

*SEC. 77.* Section 2685 of the Business and Professions Code is repealed.

~~SEC. 79.~~

*SEC. 78.* The heading of Article 8 (commencing with Section 2690) of Chapter 5.7 of Division 2 of the Business and Professions Code is amended and renumbered to read:

Article 10. Physical Therapy Corporations

~~SEC. 80.~~

*SEC. 79.* Section 12529 of the Government Code, as amended by Section 113 of Chapter 332 of the Statutes of 2012, is amended to read:

12529. (a) There is in the Department of Justice the Health Quality Enforcement Section. The primary responsibility of the section is to prosecute proceedings against licensees and applicants within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine, the Board of Psychology, the Physical Therapy Board of California, or any committee under the jurisdiction of the Medical Board of California, and to provide ongoing review of the investigative activities conducted in support of those prosecutions, as provided in subdivision (b) of Section 12529.5.

(b) The Attorney General shall appoint a Senior Assistant Attorney General of the Health Quality Enforcement Section. The Senior Assistant Attorney General of the Health Quality Enforcement Section shall be an attorney in good standing licensed to practice in the State of California, experienced in prosecutorial or administrative disciplinary proceedings and competent in the management and supervision of attorneys performing those functions.

(c) The Attorney General shall ensure that the Health Quality Enforcement Section is staffed with a sufficient number of experienced and able employees that are capable of handling the most complex and varied types of disciplinary actions against the licensees of the boards.

(d) Funding for the Health Quality Enforcement Section shall be budgeted in consultation with the Attorney General from the special funds financing the operations of the Medical Board of California, the California Board of Podiatric Medicine, the Board of Psychology, the Physical Therapy Board of California, and the committees under the jurisdiction of the Medical Board of California, with the intent that the expenses be proportionally shared as to services rendered.

(e) This section shall become operative *on* January 1, 2014.

~~SEC. 81.~~

*SEC. 80.* Section 12529.5 of the Government Code, as amended by Section 115 of Chapter 332 of the Statutes of 2012, is amended to read:

12529.5. (a) All complaints or relevant information concerning licensees that are within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine, ~~or the~~ Board of Psychology, or the Physical Therapy Board of California, shall be made available to the Health Quality Enforcement Section.

(b) The Senior Assistant Attorney General of the Health Quality Enforcement Section shall assign attorneys to assist the boards in intake and investigations and to direct discipline-related prosecutions. Attorneys shall be assigned to work closely with each major intake and investigatory unit of the boards, to assist in the evaluation and screening of complaints from receipt through ~~disposition~~ *disposition*, and to assist in developing uniform standards and procedures for the handling of complaints and investigations.

A deputy attorney general of the Health Quality Enforcement Section shall frequently be available on location at each of the working offices at the major investigation centers of the boards, to provide consultation and related services and engage in case review with the boards' investigative, medical advisory, and intake staff. The Senior Assistant Attorney General and *his or her* deputy attorneys general working at his or her direction shall consult as appropriate with the investigators of the boards, medical advisors, and executive staff in the investigation and prosecution of disciplinary cases.

(c) The Senior Assistant Attorney General or his or her deputy attorneys general shall assist the boards in designing and providing initial and in-service training programs for staff of the boards,

1 including, but not limited to, information collection and  
2 investigation.

3 (d) The determination to bring a disciplinary proceeding against  
4 a licensee of the boards shall be made by the executive officer of  
5 the boards as appropriate in consultation with the senior assistant.

6 (e) This section shall become operative *on* January 1, 2014.

7 ~~SEC. 82.~~

8 *SEC. 81.* No reimbursement is required by this act pursuant to  
9 Section 6 of Article XIII B of the California Constitution because  
10 the only costs that may be incurred by a local agency or school  
11 district will be incurred because this act creates a new crime or  
12 infraction, eliminates a crime or infraction, or changes the penalty  
13 for a crime or infraction, within the meaning of Section 17556 of  
14 the Government Code, or changes the definition of a crime within  
15 the meaning of Section 6 of Article XIII B of the California  
16 Constitution.